

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS.**

Claims 1-13, 15-18 and 20 are pending.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-13, 15-18 and 20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,414,725 to Clarin, et al. (hereinafter, merely “Clarin”) in view of U.S. Pub. No. 2001/0055336 to Krause, et al. (hereinafter, merely “Krause”) and further in view of U.S. PG Publication No. 2002/0094193 to Tao, et al. (hereinafter, merely “Tao”).

### **III. RESPONSE TO REJECTIONS**

Tao is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Tao and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such

obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Tao is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Tao in the above-noted Office Action are overcome.

Applicant submits that claims 1-13, 15-18 and 20 are patentable.

**CONCLUSION**

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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